

Previous references.

1922.

File No. 174-2

me)

Serial Nos. /

Later references.

me 174-m 8 647

LB 104-26 K1-2

LB 166-20-1

LB 1m - 33(7-4)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

✓
Part B for March 23

SUBJECT

Auction Sales in respect of tolls
and market fees.

1

To, The Deputy Commissioners of District
The Presidents of District Boards
The Presidents of Bangalore and
City Municipal Councils
The Comptroller & the Superintendent
Government Stationery.
No. 6437-57/d 21.3.

Passes orders on this

64
7-4-23

G.R.S. III-9)

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

L 330-22
RECEIVED & INDEXED
18 JUL 1922
10:00 AM

Act Sec (dB)

Please see page 6 of the
enclosed draft - & let me

have tomorrow a draft
noting for sale of 32 Ad
d. Hunt holes, including
all the requisitions provided
in the Hunt Act Manual
of the further requisitions
described in this draft
order

In L. Hunt - 8

Ans
18/7
my

✓ A copy form is sent for
approval in our name

AS
18/7/22 (Ansley)

Ans
18/7/22

7.3 - Should routine notes be written on small slip,
the notes must be copied, or slips pasted on,
this form.

Ans

G.R.S. 111-3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

***V.B.—Should routine notes be written on small slips,
the notes must be copied, or slip-pasted on
this form.**

1913

2

**Opinion of the Revenue Commissioner as regards sales
on the draft order regarding Sales.**

3)

2. As regards the draft order in general, if I may be permitted to make a suggestion, I would suggest that the proposed rules for the regulation of sales may be issued separately for each Department - particularly for the Revenue Department - instead of the sales relating to various Departments, such as Land Revenue, Excise, Forest etc., being dealt with in the same order.

Devan's order thereon. 3 21. 8. 22

4)

Please issue separate orders dividing up the draft. Revised drafts to be submitted.

5) Forwarded to the Local Boards Branch, with a copy of the draft order, for further action

By order
Binniasingh
For the Secy

28. 8. 22

JUDICIAL SECRETARY
29 AUG 1922
LOCAL SELF GOVT.
BRANCH.

led
lul
34/2/22

Please type the draft put up

31/8/22

of 19

7.) A typed copy 9-0 with slight modification is sent for approval or other alterations

1/9/23

Rev Secy.)



7/19/22

but

^{and}
Grand Member)

ref 7/9/22

$$\begin{array}{r} 753 \\ \hline 819 \end{array}$$

4/10/79

8) I do not think that American ~~can~~
~~be expected~~ in accordance with
law. The American is said
to be unimpaired. The New Code does not
authorize a person being taken from
the custody of duty as an enemy
and then when these duties are not
payable to not

LAW

kkw

13/9 14/3/8/2

93

To the Revenue Branch for favour of a note

04

7/15/91

330

4

Serial
No.

10) In accordance with the provisions of S. 193 of the Mysore Land Revenue Code all moneys due to Govt under any contract which provides that they shall be recoverable as a revenue demand or arrears of land revenue, and all sums declared by any law in force to be leviable as assessment, or as a revenue demand, or as an arrear of land revenue, can be recovered as arrears of land revenue.

11) As to District Tolls are not money due to Govt, and ^{neither} as the L.B.V.P. Regn ^{nor} the Rules framed thereunder declares that the District Tolls are leviable as land revenue, they cannot be so recovered under the provisions of the L.R. Code. The recovery has to be made in the manner presented in Chapter VII of the L.B.V.P. Regn
L.B.V.P.)

14 SEP 1922
MILITARY
SELF GOVT
BRANCH

8
18/9/22
7

330

G. R. S. III-3)

General and Revenue
Secretariat.

File No,

of 19

Serial
No.

12/ I concur with the opinion of Mr. Rev. Branch
It is however that the same has not
not be recovered as an account of land
purchase. This being the case, it
is not necessary that the Dy. Commr. or
Asst. Commr. should consider the
value of leases of W. T. lands. Under
the Canal Revenue and V. P. Revenue the
Dy. Commr. has not been vested with
any power to consider sales or
of W. T. lands. These officers have to
act in their capacity as possessors
of W. T. and Revenue lands. It appears
the drafts will have to be submitted
more fully also in this respect

12/12/22
12/10/22
12/10/22

13/ Has not the order issued
in toto in the last week's
Gazette? If so, there is no
need to pursue this matter
further.

dec
30/11/22

14/ The G.O. of 20.11.22 issued from Mr.
Rev. Branch is in respect of Rev.
sales only vide P. 4

12/12/22

12/12/22
12/12/22
12/12/22

Rel 174-22-1

331 7

Code and as such then sums cannot
at all be recovered as arrears of
Land Revenue

19 Such a clause in the
agreement will therefore be without
any legal effect and invalid.

W. S. Subramanyam
Govt. Adm. Secy
10/1/23.

Lp 582
14/1/23

Subd with reference to para 10

ml
10/1

✓ Res. Secy

Y. S. Subramanyam

11/12/11/23

C.B.
10.1.23

Order working & revenue in
order.

10/1

5/2 11/61

draft summary received and done

11/2/23

Issue C.B.
7.2.23.

Sl 1

To the DC, P. District.

- " P. District & P. District B.R.
- " P. District & Bangalore & Mysore - P. District
- " Camp & other
- " Sup to Govt. Stationery

no. 6437-57 of 21.3.23.

Issues instructions for holding Auction Sales in
tolls & market

Proceedings of the Government of K. G.
the Maharaja of Mysore.

Order--No.

Dated Bangalore, the 21/3/1923

With a view to regularise the procedure to be followed in holding auction sales in respect of ^{land, house, and other} tolls and market fees so as to guard against loss of revenue, Government are pleased to issue the following instructions in supersession of all previous orders on the --- subject:-

~~Tolls:- All tolls fall under one or other of the following three classes:-~~

~~Municipal tolls.~~

~~Local Board tolls.~~

~~Local Boards~~ Local Boards tolls are sold by the -- Revenue Department. Municipal tolls are sold by the officers of the Municipalities concerned. The procedure as regards Municipal tolls is contained in paras 171-181 of the Municipal Account Manual. They provide for all contingencies. As regards District ~~Local Board~~ Boards tolls there are no specific rules ~~as regards~~ ^{about} the procedure to be followed. There is considerable divergence in the actual procedure between District and District. The sales are held either - by the Deputy Commissioner or by an -- Assistant deputed by the Deputy Commissioner. There is considerable difference as regards the number of instalments -- in which the bid amount is stipulated - to be paid, the authority to confirm the sale, the amount and value of security etc.,

3. The proposed ~~as r~~ rds ~~icipal~~ icipal -

9
tolls as detailed in paras 171-181 should, ^{of the Municipal Accounts on which should} as far as possible, be followed in settling District Fund tolls and a Notification

in the appended form should be published in future in respect of them. ^{the Local Bodies Government} have often lost revenue ^{to meet? adequate security} owing to defects in

agreements and arrangements ^{made for collect} ing and for inadequate security. ^{the Local Bodies Government} The attention of the Deputy Commissioners is drawn to this ^{Provisions and the} matter and they are requested to guard against

such losses by taking proper safeguards in the following directions:-

- (a) Penal interest to be levied on khists not paid on proper date.
- (b) Agreement to be taken on stamped paper.
- (c) In the event of the bidder being an outsider, at least 2 sureties owning property in Mysore should be insisted upon.
- (d) The agreement should provide that all arrears as regards tolls may be re-covered as an arrear of Land Revenue Municipal as the case may be.

29. The above procedure should be followed as far as possible whenever market fees are framed

out. ^{the Super, but stationary is necessary to supply} the forms of the work on hand in the usual course.

T.H.

11/9/22
11/9/22
Revenue Secretary

The Deputy Commr of MS
The Presnts of St. Basil
The Presnts of the Bangalore and
Mysore City M. Council
The Commr of
The Super, but stationary
Proct

Appendix

10

Notification.

The right to collect tolls at the Toll Gates as noted in Schedule A & B, during the official year 1919- will be sold by public auction at the places and on the dates specified against each gate.

2. Persons intending to bid at the sale must attend in person or by a duly accredited agent. Every such person should deposit beforehand an amount equal to 1/6th of the contract amount for the previous year as shown in Schedule A, as earnest money. The deposits of all the bidders except the first two or three whose bids are to be recommended for acceptance will be returned at the close of the sale. The deposit of the successful bidder who will be called the contractor will be returned only on fulfilment of the contract. The deposits of the remaining bidders will be returned soon after the confirmation of the sale.

3. The sale will not become absolute until confirmed by the authority noted in Sch. A who reserves the final power of refusing or accepting without assigning any reason whatever, the highest or any bid that may be offered.

4. The contractor shall within 15 days of of the receipt of intimation of confirmation of the sale in his favour, execute an agreement on a duly stamped paper binding himself and his heirs to observe the conditions hereinafter set forth and to be subject to the penalties, forfeitures and liabilities referred to therein and shall furnish if he does not hold property in Mysore, at least two sureties who own sufficient properties in the Mysore State for the

for the due performance of the contract.

5. The contract shall not be transferred be sale, gift or otherwise or sub-lease without the previous sanction of the Deputy Commissioner Municipal Council.

6. The contract amount shall be paid in 12 equal monthly instalments in advance on the 1st day of every month into the Taluk Municipal office.

7. The contractor shall have no claim to the fees recovered from persons compounding the payment of toll in accordance with the Standing rules and ~~orders~~ ^{orders} approved by Government. He shall also pay along with the instalments the authorised Local, Railway and Educational Cesses if any, at the prescribed rates.

8. Interest at 9 per cent per annum shall be levied on all overdue amounts till date of payment.

9. The amounts due from the contractor or his sureties shall be recoverable as if they were arrears of land revenue under the Municipal provisions of the Land Revenue Regulation Municipal and the rules thereunder.

10. The contractor shall collect tolls only at the rates and ^{at} the gates on the traffic specified in Schedules A & B.

11. The contractor shall give to the person paying the toll a proper receipt showing the date and hour of payment of toll.

12. The contractor shall keep at the toll gates true accounts of the daily collections and of the traffic passing through the toll gate. These accounts shall be open to the inspection of the Deputy Commissioner the

8.

Assistant Commissioner and the Amildar. He
Municipal President
shall, if required by the Deputy Commissioner,
Municipal President
furnish to the Taluk office at the end of
Municipal
every month, a true return for the month show-
ing the traffic passing through the gate in
a prescribed form.

12. The contractor will have the use of the
existing toll house and gate without payment
of any rent, and he should keep them in good
repair: failing which the cost of repair will
be recovered from the contractor. If any toll
gate or house is required it will be put up
at the cost of Government.
Local Board
Municipal Council.

13. The contractor shall not be entitled
to any remission of the contract amount or
to any compensation on account of seasonal
conditions or any other cause whatever.

14. 15. The contractor shall conform generally
to the rules published in the late Chief Com-
missioner's Notification No. 274 dated 4th Nov.
1876 and the rules issued under the Local
Boards and Village Panchayats Regulation or
the rules framed by the Municipal Council under
the municipal regulation. He shall recognise
all exemptions made by the statute or rules
in force for the time being. He shall pay
special attention to the following points :-

(a) A table of authorised tolls shall be
legibly written in English and Kannada and
shall be put up in a conspicuous place near
the toll house.

(b) An drawing any vehicles for which

4.

tolls can be demanded are not also to be charged. with toll.

(c) No toll shall be levied afresh on any cart etc. passing along the toll gate, if within a period of 24 hours computing from sunrise to sunrise, a toll has been collected thereon at a toll gate in the Mysore State or a toll gate in ~~British~~ British India in respect of which the Government have secured reciprocity for exemption in consultation with the British authorities

(d) Carts laden with bone or other substance as manure shall be treated as unladen and tolled accordingly.

(e) No toll shall be levied on foot passengers.

(f) No tolls shall be levied for the passage of troops of military stores or equipages ^{or} of police officers on duty or of any person or property in their custody or of any property bona fide belonging to Government, as established, where proof is required by the production of a pass or certificate from any officer of the department on which the property belongs, - authorised by the Deputy Commissioner or by Government to grant such certificates or passes which pass or certificate shall be delivered up at the last toll gate passed before the cart, carriage or animal conveying such property reaches the destination noted in such pass or certificate.

(g) No toll shall be levied for the passage of carriages, carts, animals etc., -

(1) belonging to the Local Boards
Municipal Council.

(2) conveying Local Board ^{servants} on duty or
Municipal ~~servants~~

property in the custody of such servants

(3) Licensed by the Local Boards
Municipal Council.

(4) Assessed by the Municipal Council to Municipal taxation provided the tax has been paid in advance.

(5) Possessed by a person who has compounded with the Revenue authorities
Local Boards
Municipal Council
for a prescribed sum in accordance with the rules approved by Government.

(6) Engaged by the Postal Department to convey mails.

(7) Belonging to the Hon'ble the British Resident in Mysore.

(8) Belonging to Government servants travelling on duty who are certified by their respective immediate superiors as being not entitled to travelling allowance.

(9) Belonging to His Highness the Maharaja or His Highness the Yuvaraja.

15 12. Any breach of the above conditions or rules on the part of the contractor or his servants will entail the forfeiture of the deposit or the levy of a fine not exceeding Rs.50 for each infringement. If the fine be not paid or in the event of instalments or other sums due are not paid within the prescribed date, it shall be competent to the Deputy Commissioner to suspend President further collection of toll by the contractor and dispose of the right to collect ^{the toll} during the remaining period by a resale or otherwise. The resale will be held at the risk of the defaulting contractor who shall be liable to all losses accruing

S. O

1

Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. L. 6437-57—ML. 174-22-1, dated 21st March 1923.

Auction Sales.

Issues instructions in regard to the working of — in respect of Local Fund and Municipal tolls and market fees.

ORDER NO. L. 6437-57—ML. 174-22-1, DATED 21ST MARCH 1923.

With a view to regularise the procedure to be followed in holding auction sales in respect of Local Fund and Municipal tolls and market fees so as to guard against loss of revenue, Government are pleased to issue the following instructions in supersession of all previous orders on the subject:—

2. District Fund tolls are sold by the Revenue Department and Municipal tolls by the officers of the Municipalities concerned. The procedure as regards Municipal tolls is contained in paras 171—181 of the Municipal Account Manual. They provide for all contingencies. As regards District Fund tolls there are no specific rules about the procedure to be followed. There is considerable divergence in the actual procedure between District and District. The sales are held either by the Deputy Commissioner or by an Assistant deputed by the Deputy Commissioner. There is considerable difference also as regards the number of instalments in which the bid amount is stipulated to be paid, the authority to confirm the sale, the amount and value of security, etc.

3. The procedure as regards Municipal tolls as detailed in paras 171—181 of the Municipal Account Manual should as far as possible, be followed in settling District Fund tolls and a notification in the appended form should be published in future in respect of them. The local bodies have often lost revenue for want of adequate security and proper arrangements for collecting the tolls and also on account of defective drafting of agreements. The attention of the Presidents and the Deputy Commissioners is drawn to this matter and they are requested to guard against such losses by taking proper safeguards in the following directions:—

- (a) Penal interest to be levied on khists not paid on proper date.
- (b) Agreement to be taken on stamped paper.
- (c) In the event of the bidder being an outsider, at least two sureties owning property in Mysore should be insisted upon.

4. The above procedure should be followed as far as possible whenever market fees are farmed out.

5. The Superintendent, Government Stationery, is requested to supply the forms of the notification on indent in the usual course.

T. E. JEYARAMA AIYAR,
Secy. to Govt., Rev. Dept.

To—The Deputy Commissioners of Districts.
The Presidents of District Boards.
The Presidents of the Bangalore and Mysore City Municipal Councils.
The Comptroller, Mysore Government.
The Superintendent, Government Stationery.
The Compiler, Mysore Gazette for publication.
PRESS TABLE.

Encl.—A. M. K.

No. L. 6437-57—ML, 174-22-1, DATED 21ST MARCH 1923.

16. The imposition of fine or resale of the contract shall be no bar to the prosecution of the contractor or his employees for any offence or to the institution of other legal steps against them under any law in force for the time being.

Deputy Commissioner
President

SCHEDULE A.

1. Name of toll-gate or bridge.
2. Situation of the gate.
3. Whether toll is to be levied on through traffic, incoming traffic, or outgoing traffic.
4. Traffic specially exempted from payment of toll on account of the peculiar situation of the toll-gate or the special requirements ~~to~~ ^{of} the people near the toll-gate.
5. Amount of deposit required.
6. Place of sale.
7. Date of sale.
8. Officer conducting the sale.
9. Officer confirming the sale.
10. Remarks.

SCHEDULE B.

Details of traffic.

Rate.

